

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

LA.App..No. 1506 of 2007()

LAR.38/2005 of SUB COURT, QUILANDY
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APPELLANT: SUPPLEMENTAL 2ND RESPONDENT:

THE MANAGING DIRECTOR,
KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED (KSIDC), KOWDIAR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: CLAIMANTS A TO D & 1ST RESPONDENT:

1. KARIMBANAKKAL MARIYAM,
VATTOLI BAZAR P.O., PANANGAD.
2. ASHRAF, -DO- -DO-.
3. SEENATH, -DO- -DO-.
4. RAISYA, -DO- -DO-.
5. THE SPECIAL TAHSILDAR (LA),
KOYILANDY, REPRESENTED BY THE DISTRICT COLLECTOR,
KOZHIKODE.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION
ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

**L.A.A.No.1506 of 2007 &
C.M.Appln.No.1803/2007**

Dated this the 10th day of October, 2007

JUDGMENT

Kurian Joseph,J.

C.M.Application No.1506/2007 is an application to condone the delay of 25 days in filing the appeal. On merits it is seen that the appeal filed at the instance of the requisitioning authority against the judgment and decree in L.A.R.No.38/2005 on the file of the Sub Court, Koyilandy. The extent involved is only 1.5 cents. The reference court found that in document No.504/2000 the value of the property is shown as Rs.14,000/- per cent. There was no explanation for RW1 when he was examined before the reference court for not adopting the said value. As per Ext.R2, the market value of the property was Rs.9,800/- per cent but only Rs.8,000/- was awarded and there was no explanation for reducing the amount, despite the fact that the property under acquisition was situated in a commercially important location, whereas the property covered by the basic document did not have any such attraction. In such circumstances only the

reference court made a just and proper fixation of the market value of the land at Rs.12,000/- per cent. Therefore, there is no merit in the appeal. The delay condonation petition and the appeal are accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.**

L.A.A.No.1506 of 2007

JUDGMENT

10th October, 2007